

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Yechiel Herzl called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Stern, Mr. Sabel, Mr. Flancbaum, Mr. Herzl, Mr. Meyer

3. SWEARING IN OF PROFESSIONALS

Mr. David Magno, P.E. was sworn.

4. MEMORIALIZATION OF RESOLUTIONS

1. SP 2328 Township of Lakewood

Airport Road and Bennett Boulevard Block 1160.01, Lot 228
Courtesy review of a police department shooting range

Mr. Herzl said some people in the Industrial Park called him and he wanted to make sure it was on the record that a berm would be built to protect vision from the Industrial Park. They are also concerned about the noise. He wants to make sure they abide by all applicable laws and regulations.

Mr. Jackson recommended sending these concerns directly to the Township Committee.

A motion was made and seconded to approve the resolution.

5. PUBLIC HEARING

1. SD 2382 Bentzion Teitelbaum

1448 & 1452 South Street Block 855.06, Lots 25 & 25.01
Minor Subdivision to create three lots

A review letter prepared by Remington & Vernick Engineers dated April 22, 2019 was entered as an exhibit.

Mr. Magno said variances are required for minimum lot area, lot width, side yard setback and combined side yard setback. There are also variances required for the accessory structure including rear yard and side yard setbacks.

Mr. Joseph Kociuba, P.E., P.P. was sworn. The plan is to subdivide two existing lots into three new lots. An exhibit showing other subdivisions in this block was presented to the board. Certain lots have been subdivided which are all exactly the same dimensions as this subdivision, except for a few lots which have a bit more area. The minimum lot area and width variances are consistent with other lots in the area which this board has approved. The majority of the lots are actually non-conforming in width. He referenced sections in the Master Plan and MLUL to justify the

variances requested. The only other variances are the side yard setback variances specifically on lot 25.04. The intent purely is there is an existing home which would straddle the property line being created but they are going to pick up the house and move it over and the ultimate intent is to save the home, but it would require side yard setback relief.

Mr. Flancbaum asked if one lot is vacant and the other lot has an existing home.

Mr. Kociuba said there are two homes. The eastern home will remain and would not require relief, the western home straddles the property line, so they are going to move it which will require relief. This would leave a vacant lot upon which a new single-family dwelling would be constructed.

Mr. Flancbaum is familiar with the area. He asked if these are under construction.

Mr. Kociuba confirmed. The neighborhood is being redeveloped as there are a lot of homes in disrepair.

Mr. Magno asked him to discuss the accessory structure setbacks.

Mr. Kociuba said the accessory structures are two small sheds in the backyard which they would like to remain and would request relief.

Mr. Moshe Raitzik arrived at the meeting and was sworn.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He does not feel these lots should be approved because other lots have been approved with similar variances. He does think single family homes are much nicer than duplexes.

Mr. Herzl closed to the public.

Mr. Herzl asked if sidewalks are being provided.

Mr. Kociuba confirmed.

Mr. Herzl questioned garbage pickup.

Mr. Kociuba said garbage cans would be brought out to the street.

Mr. Flancbaum said usually this board does not grant these types of variances, but these are single family homes on larger lots which he believes is a nice product for the town.

A motion was made and seconded to approve the application.

Affirmative: Mr. Stern, Mr. Flancbaum, Mr. Herzl

No: Mr. Sabel, Mr. Meyer

2. SP 2315 CBRC, LLC

Cedarbridge Avenue Block 961.02, Lot 1.04
Preliminary & Final Major Site Plan for a retail strip mall and pad site

A review letter prepared by Remington & Vernick Engineers dated April 24, 2019 was entered as an exhibit.

Mr. Magno said the project requires submission waivers. The issue with this project is that the design proposes retaining walls that are conflicting with other utilities for drainage as well as existing drainage owned by the Township. He is concerned that in order to correct those issues, it may require moving items around on the site plan. Regardless, he would suggest that the project start public hearing even if it has to be continued.

Mr. Flancbaum suggested hearing the application before voting on the submission waivers.

Mr. Herzl asked if there are only two waivers.

Mr. Magno said yes, the environmental impact statement is not an issue because this is part of the large Cedarbridge Development area which obtained approval from CAFRA and all of the environmental impact statements were done at that time. No variances are being requested. Design waivers are required from providing curb and sidewalk along the entire Cedarbridge Avenue frontage. There are wetlands along a portion of Cedarbridge and the applicant indicates curb and sidewalk is not proposed within that area. The other design waiver requested is from providing the necessary landscape buffers from the neighboring sites which are now under construction.

Mr. Raitzik asked if they are anticipating pedestrian traffic.

Mr. Magno said not from the west as all of the area to the west is undeveloped due to the wetlands and would remain that way. He would think the proposal from where they are starting the curb and sidewalk which is at the traffic light is reasonable.

Mr. Brian Flannery, P.E., P.P., A.I.A. was sworn. Exhibit A-1 is a prospective rendering of the site, exhibit A-2 is a concept rendering of the site which shows the development to the east. They are bounded to the north by Cedarbridge Avenue, to the west by a large wetlands area which the board can see in exhibit A-4. Their site butts up to a large conservation area owned by the Township of Lakewood going all of the way out to Vine Avenue with the exception of one privately owned lot. That is all deed restricted conservation areas that was done as part of the original subdivision. There is a 300 ft buffer on a C-1 stream with some threatened endangered species so there is no need for pedestrians walking in that area. There will be sidewalks in front of their site up to the wetland area and the sidewalk comes all around the site to the intersection. Exhibit A-3 is a plan showing the elevations of the buildings. The buildings will be a mixture of different textures and would have sprinkler systems. They do not know who the end users will be at this point, but they would all be retail shops. All of the HVAC equipment would be roof mounted and shielded and the buildings would be of brick and cast stone veneer. Exhibit A-5 is a concept site plan. This is a variance free application and they have provided parking in excess of ordinance requirements. The ordinance requires 165 spaces whereas they are providing 247 spaces. With respect to submission waivers, they are not asking to not provide profiles, but they are asking for the board to take action on it prior to them being provided. They would be provided during resolution compliance in order to satisfy the board engineer that there will be no conflicts. He reviewed the plans from an engineering standpoint and he is confident with his years of experience that this is something which can be fixed. The retaining wall is needed around the front and side of the site because the retail building has to be level.

Mr. Herzl asked if the plan would change at all if that retaining wall remains.

Mr. Flannery said it is his testimony that the layout would stay the same and that engineering details under the ground is what may change. Documentation would be provided to the board engineer that those engineering systems under the ground are appropriate. A developer's agreement would be required from the governing body. He believes this configuration would work but if he is wrong, the worst case scenario is they would have to come back to the board.

Mr. Magno said Mr. Flannery has testified they do not know who their tenants will be, so the building design is no more than conceptual at this point. There is a surplus of off-street parking which is good, but he does not see why they cannot revise the plans to take all of the proposed improvements out of the Township drainage easement. This is something they can do because the building and off-street parking can be changed, and they would still have plenty of surplus parking. That is the issue and why he thinks the plans should change somewhat.

Mr. Herzl asked if there is enough parking for medical use.

Mr. Flannery said this is not designed for medical and he does not envision medical but there would be enough parking. Their position on parking, if you look at the Master Plan just adopted, there were two big issues, traffic congestion and parking. This applicant wants to have more parking and the parking in the easement would require a developer's agreement from the Township. It is his testimony he expects the Township would agree to it as they would prefer to see more parking. There are very few retail sites in Lakewood where you see empty parking spaces and they would like to have this be one of them.

Mr. Herzl asked if they would have sufficient parking for whoever their end users will be.

Mr. Flannery confirmed. As far as parking within the drainage easement, on the previous approval there are parking spaces in the easement. This is different in that the pipe is going to go under the retaining wall and that is not something you would do unless you have to, but it is his testimony that in order to design a site that makes sense, that is the right thing to do and there are ways to ensure the maintenance is satisfactory. DPW approval is required and would be obtained and they need the Township to sign the developer's agreement which he is 100% confident they would get. Those details can be worked out during resolution compliance and would not affect the site utility or site planning issues associated with this. The developer may need to spend some additional money in order to satisfy DPW and the Township Committee, but they can be satisfied and the applicant is willing to do what needs to be done without changing the site plan features.

Mr. Jackson said the Township approving the developer's agreement would be like an outside agency approval.

Mr. John Doyle, Esq. said they already received approval from the Township for the other two lots and he believes they would agree to it here. If not, they would have to come back before the board.

Mr. Stern asked if this plan would impact drainage.

Mr. Magno said there is not enough design to tell right now, which is part of the problem.

Mr. Flannery said you always try to avoid putting any utilities under a retaining wall because if there is an issue then you have to tear the whole thing apart. It is up to the board whether they want to approve this plan with the additional spaces or have the applicant come up with a different design which would lose some parking.

Mr. Herzl asked who would be responsible for the drainage system.

Mr. Flannery said currently the way it is set up, the drainage that gets picked up from Avenue of the States, the Township is responsible for it. If the Township decides in the developer's agreement process that they do not want

to be responsible, then the applicant would be responsible. The water has to go into the conservation area and in order to make a site that makes sense for both the tenants and patrons, they need to have some retaining wall. There is no way to design this without a retaining wall and make it flat on a site of this size where the entrances are tying into fixed points. As indicated earlier, you do not put in drainage under a retaining wall if you do not have to but there are things they can do including incasing it or using a stronger class of pipe and worst case would be putting the responsibility on the property owner and then it would not cost the Township money. Mr. Magno is indicating that the plans are not complete because all of the details are not there but those are engineering details and he feels very confident they can provide and satisfy the board engineer, DPW and the Township.

Mr. Herzl said if Mr. Franklin were here, he would say the Township would never accept responsibility if the drainage is located under a retaining wall.

Mr. Flannery understands and as indicated, this is like an outside agency approval and this applicant would take the responsibility for that if that is what is needed in order to get approval. Design waivers are requested for sidewalks but only for the area where it is in the conservation buffer area where no one would be walking anyway.

Mr. Sabel disagrees that there is no need for sidewalk along that portion of Cedarbridge. His wife walks along there at least twice a week.

Mr. Flannery understands but it is never going to be built due to the wetlands.

Mr. Raitzik asked how high the retaining wall would be.

Mr. Flannery said it varies, the highest point would be 6 ft along the frontage. The other design waiver requested is for landscape buffers. No landscape buffer is required along Cedarbridge Avenue and it is his testimony that a landscape buffer is not required or appropriate between the sites as they are the same use. The only other side is to a wetlands area, so from a technical standpoint, they are requesting that waiver, but he believes there is no buffer required or provided. A traffic analysis was submitted which shows that the driveway entrances have a level of service 'C', so their site traffic would be handled properly. The circulation plan shows a single unit truck can maneuver through the site and that would be the type of trucks they would envision for these types of uses. This project is located on a County road, so they would need their approval as well.

Mr. Sabel said a semi-trailer cannot maneuver into the site.

Mr. Flannery confirmed.

Mr. Sabel questioned how they would stop semis from entering the site.

Mr. Flannery said anyone coming to the site would know the site availability and the merchants would know that as well.

Mr. Herzl said it does not work that way, he cannot choose what types of trucks deliver to his store. They do not know who the end users are going to be at this point, so it makes it difficult.

Mr. Flannery said they are not envisioning a supermarket.

Mr. Sabel said he is. He thinks it will most likely be pizza place or supermarket and there are going to be big trucks.

Mr. Flannery said those types of uses do not require a large shipment.

Mr. Sabel said they all get delivered by semi-trailers.

Mr. Herzl agrees. It is cheaper to load everything into semi-trailers. He thinks in the future, anytime these types of uses are proposed, they have to try and accommodate the bigger trucks. He also does not see a loading dock proposed.

Mr. Flannery said they could provide a loading area and eliminate a few of the parking spaces.

Mr. Herzl asked approximately how many spaces would be lost.

Mr. Flannery said it would be about 10 spaces and they have close to 100 extra.

Mr. Flancbaum said the last thing they need is a big semi sitting on Avenue of the States because they do not know what to do.

Mr. Herzl feels they should try to get a loading dock in there even if they lose 10 to 15 spaces.

Mr. Flannery agrees to fit in a loading area for a semi-trailer.

Mr. Sabel argued that he testified earlier that the circulation plan would not accommodate semi-trailers.

Mr. Flannery said they would have to make the radiuses larger which means losing a few parking spaces.

Mr. Doyle asked that the board would make it a condition of approval that they provide a conceptual alternative plan and they would work with the board engineer.

Mr. Herzl said whatever they end up doing, he wants to ensure there is enough parking.

Mr. Flannery said they will not be asking for any parking variances and would still be in excess of ordinance requirements.

Mr. Raitzik asked if there will be parking behind the building.

Mr. Flannery said that is access and a loading area for the box trucks.

Mr. Sabel said it is very tight back there, even regular trucks cannot make the turn.

Mr. Flannery said the circulation plan shows the turning radiuses for the trucks coming in and that it works. There is 30 ft from the back of the building to the curb which is plenty of room for one truck to stop and another truck to pass.

Mr. Sabel said the loading area is 30 ft but most of the road is 18 ft wide.

Mr. Raitzik thinks the parking spaces at the corner should be eliminated so the trucks have more room to turn.

Mr. Flannery said the turning radiuses the engineer came up with are comfortable turning radiuses.

Mr. Sabel asked what sized trucks were used.

Mr. Flancbaum said his biggest concern is safety and this is the back corner of the building so if they could eliminate some parking spaces back there and come up with a decent turning area for the trucks that would help.

Mr. Raitzik said the issue is not just at the corner.

Mr. Flancbaum said he is looking at the northwest and southwest corners of the building as that is where the trucks are going to be circulating in and out of. If they can figure out how to accommodate a few trucks lining up so they don't interfere with pedestrians or cars coming in, then that could be acceptable from his prospective.

Mr. Flannery said it would be a minor modification with a reduction of less than 20 parking spaces.

Mr. Magno said they would have to ensure the circulation works during resolution compliance.

Mr. Sabel would like to see the plan before voting.

Mr. Flannery said if the board acts favorably, they could provide the plan in advance of the resolution.

Mr. Raitzik said the street is very cramped and it is extremely limited in the scope of what they can do there.

Mr. Stern said the plans shows a triangle, he asked if that is there to prevent people from making left turns onto Cedarbridge.

Mr. Flannery confirmed.

Mr. Stern asked if they could modify the intersection to further separate people coming in and out of the site. He suggested making it one-way in and two-way in and out (*difficult to hear as discussion was away from the microphones*).

Mr. Flannery said trash enclosures are being provided and it would be private pickup. Any lighting and landscaping comments would be satisfied. The applicant agrees to any reasonable requests from the Shade Tree Commission as well as anything required by ordinance. The traffic report showed a peak hour trip generation in the morning of 170 vehicles and in the afternoon peak hour 121 vehicles. He referenced sections in the Master Plan and MLUL in support of the application and indicated this is a permitted use with no variances requested.

Mr. Sabel thinks there should be interior sidewalks from Cedarbridge Avenue to the retail area.

Mr. Flannery agrees, they will also provide crosswalks.

Mr. Flancbaum asked that in the future, interior sidewalks and crosswalks be shown for these types of applications as it is consistently brought up and not provided.

Mr. Sabel asked if sidewalks or perhaps an asphalt path could be provided in the interior of the entire property as there is already curbing proposed.

Mr. Flancbaum suggested the applicant provide a plan showing the interior sidewalks before adopting the resolution.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He questioned relief from providing buffers to the right-of-way.

Mr. Flannery said they are not asking for relief for a buffer to the right-of-way as it is not required.

Mr. Klein asked if they would have sufficient parking if they provided the required buffering.

Mr. Flannery said yes.

Mr. Magno said if the buffers were installed, they would not have enough parking. The design waiver is only required on the east and south side of the lot because to the north there is Cedarbridge Avenue and to the west there is undisturbed area. The applicant's testimony is that the buffer is not needed because there are similar uses on the east and south side.

Mr. Jackson said that Mr. Klein's question was whether there would be sufficient parking if those buffers are provided.

Mr. Klein questioned how there is a road through the wetlands area, but they cannot put in sidewalks.

Mr. Flannery said the wetlands law came into effect in 1987 and Cedarbridge Avenue has been there for much longer before that.

Mr. Klein believes the applicant should go through the NJDEP to try and obtain permits to install sidewalks. He asked if the basement is going to be used for a simcha hall.

Mr. Flannery said no, it is for storage only.

Mr. Herzl said they cannot rent out the basement.

Mr. Klein asked if the basement will be finished.

Mr. Flannery said it is going to be finished to the extent that it can be used for storage.

Mr. Herzl closed to the public. He asked if it is possible to install sidewalks or a path in the wetlands buffer.

Mr. Magno said Mr. Klein makes a point in that the applicant can submit an application to the NJDEP but they would only gain about 100 to 150 ft in that whole stretch of Cedarbridge.

Mr. Flannery said there is half a mile from there that is Township owned deed-restricted property along a County road so neither the County or town is going to build that half mile of sidewalk.

Mr. Herzl does think this board should encourage sidewalks as much as possible for safety reasons.

Mr. Flannery said this project is subject to CAFRA jurisdiction.

Mr. Raitzik asked if there is exterior access to the basement.

Mr. Flannery said inside access only.

A motion was made and seconded to approve the application.
All were in favor.

3. SD 2388 Alan Streicher
602 & 604 Appolo Road Block 104, Lots 48 & 49
Minor Subdivision to adjust lot lines

A review letter prepared by Remington & Vernick Engineers dated April 22, 2019 was entered as an exhibit.

Mr. Magno said a submission waiver is requested from submission to the Ocean County Planning Board and the reasoning is they want to ensure this board is going to approve before going to the County. The applicant is proposing to transfer a 10 ft strip of land from the corner lot to the interior piece so they can get a sewer line through the back of the property. Both of the houses are already constructed and front Appolo Road. Squankum Road is a County road, so they would have to approve this as well. Variances are requested for minimum lot width. The existing sheds require setback variances and relief is required for the number of off-street parking spaces.

Mr. Herzl said the driveways should be widened to accommodate four spaces.

Mr. Magno said the board can require that. A waiver from providing street trees is also requested.

Mr. Charles Surmonte, P.E. was sworn. The sewer terminates at Joda Drive which is about 130 to 140 ft south of where that 10 ft strip comes out to Squankum Road so that is the purpose of the subdivision.

Mr. Herzl thinks they are bringing sewer down Squankum.

Mr. Alan Streicher was sworn. He said they tried to get sewer down Appolo but NJAW would not give an easement so the only way to get sewer would be off Squankum.

Mr. Surmonte said variances are being requested for the existing shed. The corner lot does have a gravel area off the right side which provides parking for a couple of cars.

Mr. Streicher said these are existing homes and the parking has worked for years. There are no basements.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He spoke about waivers for sidewalks and driveways.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application.
All were in favor.

4. SD 2387 Yosef Zafrani
24 6th Street Block 158, Lot 4
Minor Subdivision to create two lots

A review letter prepared by Remington & Vernick Engineers dated April 22, 2019 was entered as an exhibit.

Mr. Magno said this is an oversized lot which is going to be subdivided into two conforming lots.

Mr. Joseph Kociuba, P.E., P.P. was sworn. He said this is a fully conforming application. Currently there are four units which would be knocked down and two new single-family homes would be built. He agrees with all comments in the board engineer's report.

Mr. Herzl opened to the public.

Mr. Shlomo Klein was sworn. He asked about parking.

Mr. Kociuba said they would comply with parking requirements.

Mr. Herzl closed to the public.

A motion was made and seconded to approve the application.
All were in favor.

6. APPROVAL OF MINUTES

7. APPROVAL OF BILLS

8. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary